

Release

Date: October 5, 1998

Release #: S.C. 39/98

**SUMMARY OF CASES ACCEPTED
DURING THE WEEK OF SEPTEMBER 28, 1998**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#98-136 Broughton v. Cigna Health Plans, S072583. (B093517; 65 Cal.App.4th 314.) Petition for review after the Court of Appeal affirmed orders in a civil action. The court limited review to the question of whether an arbitration clause in a health insurance plan can compel arbitration of a cause of action brought under the California Consumers Legal Remedies Act when that Act both authorizes an injunction as a remedy and contains an antiwaiver provision. (See Civ. Code, § 1750 et seq.)

#98-137 FWHC Medical Group v. CNA Casualty of California, S071951. (B113493.) Unpublished opinion. Petition for review after the Court of Appeal affirmed a judgment dismissing a civil action.

#98-138 NPI Medical Group v. State Comp. Ins. Fund, S071945. (B114190.) Unpublished opinion. Petition for review after the Court of Appeal affirmed a judgment dismissing a civil action.

(over)

FWHC and NPI both involve the question of whether a civil action brought by medical providers against workers' compensation insurers, alleging that the insurers intentionally mishandled lien claims in order to drive the medical providers out of business, is barred by the workers' compensation exclusivity rule.

#98-139 Horwich v. Superior Court, S073129. (B120188; 65 Cal.App.4th 973.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case concerns whether Proposition 213 bars recovery of non-economic damages in a wrongful death action by the parents of an uninsured driver. (See Civ. Code, § 3333.4.)

#98-140 People v. Sliwo, S072214. (B114055.) Unpublished opinion. Petition for review after the Court of Appeal affirmed a commitment as a mentally disordered offender. This case presents an issue, concerning the definition of “force or violence” for purpose of determining whether a defendant convicted of a non-enumerated crime qualifies as a mentally disordered offender, which is related to an issue before the court in People v. Anzalone, S066764. (See #98-28.)

DISPOSITIONS

The following cases were transferred to the Court of Appeal for reconsideration in light of Cotran v. Rollins Hudig Hall Internat., Inc., 17 Cal.4th 93:

#97-148 Mooney v. Sim J. Harris Co., S063846.

#97-175 Papst v. Safeway, Inc., S064830.

The following cases were transferred to the Court of Appeal for reconsideration in light of City of Moorpark v. Superior Court, 18 Cal.4th 1143:

#96-162 Cammack v. GTE California, S056183.

#97-98 Andreacchi v. Price Club, S060963.

#98-109 Fretland v. County of Humboldt, S071063.

The following cases were dismissed and remanded to the Court of Appeal:

#97-67 Hicks v. Pacific Bell, S059828.

#97-97 Person v. Nestle, U.S.A., Inc., S061478.

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